

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>CARL BRUCE FANNING and BRONDENA FANNING,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO.: 2:05cv1121-MHT</b>
	)	
<b>NATIONAL CARRIERS; BRUCE NORMAN, JR., and ALLSTATE INSURANCE COMPANY, INC.</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**AMENDED NOTICE OF REMOVAL**

COME NOW **National Carriers, Inc.**, and **Bruce Norman, Jr.**, ("Defendants"), defendants in the above-styled cause, and pursuant to 28 U.S.C. §1441, file this Notice of Removal of this cause from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division.

As grounds for removal, the Defendants represent to the Court as follows:

1. This Court has jurisdiction of this cause pursuant to 28 U.S.C. §1332. Jurisdiction is based upon diversity of citizenship and amount in controversy. Defendant National Carriers, Inc., is a foreign corporation, being incorporated in the state of Kansas and having its principal place of business in Liberal, Kansas. (See, attached copy of Corporate Details from the Office of the Secretary of State for the State of Kansas, attached hereto as Exhibit "A"). Defendant Bruce Norman, Jr., is a citizen of the State of Oklahoma and is residing in Oklahoma City, Oklahoma. (See, paragraph 4 of the Plaintiffs' Complaint). Defendant Allstate Insurance Company is an foreign corporation, incorporated in the State of Illinois and with its principle place of business in Chicago,

Illinois. (See, attached copy of Corporate Details from the Office of the Secretary of State for the State of Alabama, attached hereto as Exhibit "B").

2. Plaintiffs are individual persons who are citizens of the State of Alabama and who are residing in the City of Montgomery, in the State of Alabama.

3. Upon information and belief, the amount in controversy, exclusive of interest and costs, exceeds Seventy-Five Thousand Dollars (\$75,000.00).

4. Plaintiffs filed this action against the defendants on October 24, 2005 in the Circuit Court of Montgomery County, Alabama, a copy of the summons and complaint is attached hereto as Exhibit "C". The Complaint was served upon the Defendant National Carriers on October 31, 2005.

5. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has original subject matter jurisdiction over this cause.

6. The removal of this cause to this Court is authorized and proper pursuant to 28 U.S.C. § 1441(a).

7. This removal is filed within 30 days of service of the complaint upon the Defendants, and is therefore timely under 28 U.S.C. § 1446(b).

8. Venue is proper herein pursuant to 28 U.S.C. § 1391(a).

9. Pursuant to 28 U.S.C. § 1446(d), Defendants have previously given written notice of the filing of a Notice of Removal to counsel for the plaintiffs. The Defendants have also previously filed a copy of said notice with the Clerk of the Circuit Court of Montgomery County, Alabama. See Exhibits "D" and "E".

**WHEREFORE, THE ABOVE PREMISES HAVING BEEN CONSIDERED,** the Defendants request this Court to make and enter the necessary and proper orders to effectuate a

removal of this cause from the Circuit Court of Montgomery County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division, and that no further or other proceedings shall be had with respect to this cause in the Circuit Court for Montgomery County, Alabama.

Dated this the 15<sup>th</sup> day of March, 2006.

/s/ Robert C. Black, Jr.

ROBERT C. BLACK, JR. (BLA 063)

Attorney for Defendants

National Carriers, Inc.

And Bruce Norman, Jr.

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court of the United States District Court, for the Middle District of Alabama, Northern Division, using the CM/ECF system which will send notification of such filing to counsel listed below and by placing a copy of the foregoing upon counsel listed below in the U.S. Mail, postage prepaid, on this the 15<sup>th</sup> day of March, 2006.

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/s/Robert C. Black, Jr.  
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